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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,108	05/21/2007	Robert Friskney	64457/00154	9368

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BLAKE, CASSELS & GRAYDON, LLP
45 O'CONNOR ST., 20TH FLOOR
OTTAWA, ON K1P 1A4
CANADA

EXAMINER

LEE, CHI HO A

ART UNIT	PAPER NUMBER
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2472

NOTIFICATION DATE	DELIVERY MODE
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07/22/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

karen.forgie@blakes.com

Office Action Summary	Application No. 10/593,108	Applicant(s) FRISKNEY ET AL.	
	Examiner Andrew Lee	Art Unit 2472	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-205 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/15/06;7/2/07;10/23/06;12/26/07</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims rejected are 1-3,12-23,48-53,57-60,65,66,70,81-92,97,110-113,122-133,138,156-158,162,170,171,175,177,182,183,189,193-200,202,204 and 205.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of group 1 in the reply filed on 4/30/10 is acknowledged.

Claims in Group II~VII are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/30/10.

Claim 69 is also withdrawn as being grouped with Invention VII.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 20, 57-60, 70, 110, 111-113, 158, 175, 177, 189, 196-200, 202, 204, 205 are rejected under 35 U.S.C. 102(e) as being anticipated by Marshall et al PG-PUB 2004/0213235.

Re Claims 1, 70, 110, 111, 158, 175, 177, 189, 199, 200, 202, 204, 205, figure 14 teaches receiving packet (a first mapping...a first network address) wherein the

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packet is inherently associated with the addressing scheme of the network; further processing the packet includes identifying the VLAN ID (a first identifier) (Step 1420); mapping the being to a select an output port of the node [See 0063+]; wherein the VLAN ID (a qualifier) enables differential forwarding whereby establishing a connection for forwarding the packet (See figure 1).

Re Claims, 2, 3, 112, 113, refer to claim 1, wherein the packet includes destination/source address

Re Claim 20, refer to claim 1, See figure 1.

Re Claims 57-60, refer to claim 1, wherein the packet includes classification information.

Re Claims 196, 197, refer to Claim 189, See figure 3 (connection controller) co-located with the 200 (transport node).

Re Claim 197

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12-19 21-23, 48-50, 65-66, 81-92, 97, 122-133, 138, 156, 157, 170, 171, 182, 183, 193, 194, 195 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall et al PG-PUB 2004/021323.

Re Claims 12, 81, 122, 182, 193, figure 1 teaches the Intermediate node 200 but fails to explicitly teach that 200 is an Ethernet switch. One skilled in the art would have been motivated to modify the 200 with the Ethernet switch to support Ethernet connectivity.

Re claims 13-19, 21-23, 82-92, 123-133, 183, 194, Marshall et al teaches the identifier is a VLAN tag but fails to explicitly teach the identifier can be IEEE 802.1Q, MPLS label, DSCP, IPv6, Pseudo wire frame. One skilled in the art would have been motivated to use known protocol to supporting forwarding of the packet.

Re Claims 48, 49, 156, 157, Marshall et al fails to explicitly teach, “disabled on Ethernet switches of the network”. However, one skilled in the art would have been motivated to disable the Ethernet switch when the forwarding address is not known.

Re Claims 65, 66, 170-171, Marshall et al teaches in figure 1, LAN 120 coupled to intermediate node 200. However, one skilled in the art would have motivated to interconnect multiple LANs through the 200. In so doing, figure 14 can be configured (forwarding data frames having the first network and first identifier) to support multiple LANs (at least two different ingress nodes) thereby supporting co-routing the connection at one or more nodes in the Internet 170.

Re Claims 97, 138, 195, the network can be partially mesh.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 50-53, 57-60, 158, 162 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re Claims 50, 52, 57-60, it is unclear what part of the claim 1 is included in the claim. To remedy, include the entire claim 1 into Claim 50 and 52.

Re Claims 158, 162-165, 175 are hybrid claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Lee/
Primary Examiner, Art Unit 2472